THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :3534 OF 1998

DATED:26-09-2007

BETWEEN:

Amasa Perumalla Reddy & another.

..... PETITIONERS

AND

The District Collector,
Nellore & another.

.....RESPONDENTS

_
_
_
_
_
_

ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the order passed by the 2nd respondent in his proceedings Rc.B.1482/97, dated 10-12-1997, styled as notice insofar as prohibiting the petitioners from entering into an extent of Ac.5.00 of dry land comprised in Sy.No.16/77-A;B of Venugopalapuram village, H/o Reddypalem Bit-I village, Vakadu mandal, Nellore District wherein the petitioners and their family members have been residing and cultivating the said land for the last 35 years, as illegal and arbitrary.

3. It is the case of the petitioners that they are the encroachers and they are entitled for notice before evicting them and therefore they cannot be prohibited from entering into the said land.

4. Counter has been filed stating that the said land in Sy.No.1677 is classified as AW dry of Reddypalem bit-I village and the petitioners are not at all in occupation of the said land, and therefore the question of taking any steps to evict them under the Land Encroachment Act, 1905 does not arise. It is further stated that the said land is free from encroachment of the petitioners and therefore, the question of issuance of show cause notice does not arise. The said notice was only a general notice informing all the

concerned to prohibit any persons from entering into the said land to safeguard the said Government land. It is stated that the said land is a communal land earmarked for the benefit of the villagers for common purpose.

5. In view of the aforesaid facts and circumstances, I do not see any merits in this Writ Petition.

6. Accordingly, Writ Petition is dismissed, but however, it is open for the petitioners to work out their remedies elsewhere. There shall be no order as to costs.

_____

V.ESWARAIAH,J

26th September, 2007.
Tsy